

**August 25, 2011 Minutes of
Bigfork Land Use Advisory Committee
Bethany Lutheran Church**

Committee members present: Susan Johnson, Joyce Mitchell, John Righetti, John Bourquin, Paul Guerrant, Sterling Kerr, Sue Hanson and 15 members of the public.

Vice-Chairman Guerrant called the meeting to order at 4:00 p.m.

The Agenda was adopted as presented (m/sc Bourquin/Mitchell)-unanimous.

Minutes of the June 30, 2011 meeting were approved as corrected. (m/sc Mitchell/Kerr)

ADMINISTRATOR'S REPORT:

A. Sign-in Sheet: Reminder to the public of the availability of BLUAC minutes through email and BSC website bigforksteering.org/. Agendas are posted on the Flathead County Planning Office website flathead.mt.gov/

B. Status: **John Venteicher (FZC-11-01)** Approved August 2, 2011 by Commissioners.

C. Next meeting September 29, 2011

PUBLIC COMMENT: None

APPLICATIONS:

A. Lodgepole, Inc. (FCU-11-02): A request by Lodgepole, Inc. for a Conditional Use Permit to allow for the continued use of professional offices operating within the Bigfork, RC1 (Residential Cluster) Zoning District. The property is located at 852 Holt Drive.

STAFF: Allison Mouch: Summarized the Staff Report noting Finding #9 regarding Signage and Condition #7 establishing compliance with County regulations.

Bourquin: I notice Condition #9 states hours Monday thru Friday from 8:00am to 5:00pm. Is that reasonable for professional offices? What if someone wants to work on Saturday? **A:** The applicant did not request a change in hours.

Mitchell: Shouldn't we remove Condition #9? That's not reasonable for a real estate business. **A:** I don't think it would be an issue. That could be addressed here at BLUAC or at the Board of Adjustment.

APPLICANT: Not in Attendance

PUBLIC COMMENT:

Bob Smith: The address stated in the notice I received is incorrect. 852 Holt Drive is the address for Trails West Realty. I don't believe that address is zoned RC1. **A:** The application stated 836 Holt Drive but the GIS site has 836 for the Bigfork Athletic Club and for the applicant at 852 Holt Drive. The applicant's zoning is RC1.

Smith: The HOA has had an ongoing issue with the Trails West property due to lack of maintenance and noxious weeds. They do not pay dues and it presents us with problems.

Bourquin: If the County's notice to property owners states 852 and the address is incorrect, it's misleading. Although Mr. Smith's issue does not apply to the Lodgepole application, the issue of the correct address does.

Guerrant: I'm not comfortable with providing a recommendation if the public notice is incorrect.

Bourquin: I move BLUAC table this application and forward without a recommendation. Kerr seconded the motion. Motion passed unanimously.

The Flathead County Board of Adjustment will review this application on September 6, 2011, 6:00 p.m. at Earl Bennett Building, 1035 1st Avenue West, Kalispell, MT.

B. 101 O'Brien, LLC (FCU-11-04): A request by Vincent Grillo on behalf of O'Brien, LLC, for a Conditional Use Permit to expand an existing 2-unit duplex into a 6-unit multi-family complex within the Bigfork, RA-1 (Residential Apartment) Zoning District. The property is located at 101 O'Brien Terrace.

STAFF: Allison Mouch summarized the Staff Report noting that the new building will require a MT State building permit and that the garages will solve the problem of parking off the access road.

APPLICANT: Tara Harbin, part owner, was present but offered no further comment.

PUBLIC COMMENT:

Doug Smith: We have lived at 101 Crestview Drive since 1990. The HOA has posted 25 mph speed limits and are still unable to control traffic speed. This is a busy intersection. The Mormon Church is adjacent to this property and we are concerned about safety issues if traffic increases in this area. Adding these multi-family units would create a traffic safety issue.

Karen Cromwell: I manage properties for the HOA members. When this subdivision was approved, density was considered. Now developers want to increase density. This changes what the County originally approved. Our CCR's provide for single-family dwellings. How does this affect our CCR's? Also, the roads are maintained by the HOA. The owner of this property had special privileges in the CCR's for the duplex. I do not believe that would pass to a subsequent buyer.

Mark Lane: I'm a member of the HOA Board, which includes 105 units. One the problems we deal with is Crestview Terrace owners drive through this property adding to the traffic and maintenance issues. This lot is right where you enter that development. Covenants are the only thing that gives us any protection. **A:** Your subdivision pre-dates zoning and this lot is zoned for 8 units. Zoning went into effect in 1993.

Sterling Kerr: Does the Staff look at CCR's? **A:** No. We can only enforce zoning. CCR's are a civil issue.

Mark Lane: I would ask that you recommend denial of this application.

Tara Harbin: The CCR's address every lot and this lot is recognized for 8 units.

Mitchell: I have questions about the difference in Exhibit A and Exhibit D. Exhibit D is what is being used in the real estate listing for this property but is significantly different than the Exhibit A in the Staff Report. Exhibit D makes more sense with a single driveway and garages in back compared with four accesses from the street.

Guerrant: Doesn't the access so close to the corner create an issue with the "Visual Triangle" at a corner? **A:** Only on a County road. This is a private road. We do not have the authority to review that issue on a private road.

Mitchell: Have you seen the Exhibit D from the real estate listing? **A:** Yes. The issue there was that the applicant could not call this a single unit without adding the breezeway from the existing building. It is doubtful that there is enough clearance to place a roadway under the breezeway.

Michel Thompson: I concur with previous comments about density and traffic safety. There is a bottleneck at O'Brien and Crestview. However, my concern is the very steep lot and how steep the parking access would be for cars backing out.

Righetti: This looks like a 40' x 22' unit. That's pretty small and I would like to know how garages would access this unit? **A:** This is a "general" footprint. The garages will access living space behind and above. If it were to change significantly, it would come back to BLUAC.

Guerrant: Exhibit D is the only footprint I could support being that close to the corner. Exhibit A doesn't make sense.

Eunice Mahlum: I also object to the application. Eventually, this road will need to be widened. I see problems in increasing traffic on Crestview Drive. That road is treacherous in winter.

Mitchell: I have a hard time visualizing 4 cars backing at a corner. If you have parking behind with one access it would be more palatable.

Righetti: Basically, this application is just to make this property more valuable to sell. I move that BLUAC recommend approval. Seconded by Bourquin. Vote was split: Bourquin, Righetti, Kerr-approve. Johnson, Mitchell, Guerrant-No. No recommendation forwarded to the Board of Adjustment.

The Flathead County Board of Adjustment will review this application on September 6, 2011, 6:00 p.m. at Earl Bennett Building, 1035 1st Avenue West, Kalispell, MT.

OLD BUSINESS: None

NEW BUSINESS: None

Meeting was adjourned at 5:30 p.m.

Sue Hanson
BLUAC Secretary